

STATE OF MAINE
WORKERS' COMPENSATION BOARD
OFFICE OF MONITORING, AUDIT & ENFORCEMENT

v.

VIRGINIA SURETY COMPANY

CONSENT DECREE

NOW COME the parties and agree as follows:

1. That Joanne O'Clair alleged a June 1, 2002 work-related injury while employed at Carter Trucking/Combined Mgmt., Inc.
2. That Joanne O'Clair gave notice of incapacity from work for her alleged injury on June 1, 2002.
3. That Joanne O'Clair was compensated for her alleged period of incapacity on February 26, 2004.
4. That the initial payment to Joanne O'Clair was made three hundred sixty-three (363) days after compensation became due and payable.
5. That Joanne O'Clair's claim has been settled by Lump Sum; she has thereby waived her right to any penalty arising from the violation cited.
6. That nothing in this agreement shall be construed as a waiver of Ms. O'Clair's right to seek any weekly compensation benefits that she is or may be entitled to.

Dated: 3/31/06

Wayne P. Baliga
Wayne Baliga
Senior Vice President
Virginia Surety Company

Dated: May 8, 2006

Steven P. Minkowsky
Steven P. Minkowsky
Deputy Director of Benefits Administration
Workers' Compensation Board

Dated: May 9, 2006

Jan McNitt
Jan McNitt
Supervisor of the Abuse Investigation Unit
Workers' Compensation Board

**STATE OF MAINE
WORKERS' COMPENSATION BOARD
OFFICE OF MONITORING, AUDIT & ENFORCEMENT**

v.

VIRGINIA SURETY COMPANY

CONSENT DECREE

NOW COME the parties and agree as follows:

1. That Donna Hughes alleged a March 15, 2002 work-related injury while employed at Combined Insurance Co.
2. That Donna Hughes gave notice of incapacity from work for her alleged injury on March 18, 2002
3. That Donna Hughes was compensated and received subsequent compensation for her alleged period of incapacity.
4. That the subsequent payment to Donna Hughes, dated June 6, 2002, was made forty-eight (48) days after the previous indemnity payment, dated April 19, 2002.
5. That Donna Hughes is due indemnity in the amount of \$186.67.
6. That pursuant to 39-A M.R.S.A. §205(3) a penalty of \$550.00 is warranted.
7. That nothing in this agreement shall be construed as a waiver of Donna Hughes' right to seek any weekly compensation benefits that she is or may be entitled to.

WHEREFORE, pursuant to 39-A M.R.S.A. §205(3), Virginia Surety Company shall be assessed a penalty of \$550.00 payable to Donna Hughes. This penalty check shall stipulate that, "This penalty payment is made pursuant to a Maine Workers' Compensation Board Audit". Copies of the indemnity and penalty payments shall be sent to the attention of the Audit Division, Workers' Compensation Board, 27 State House Station, Augusta ME 04333.

Dated: 3/31/06

Wayne Baliga
Wayne Baliga
Senior Vice President
Virginia Surety Company

Dated: May 8, 2006

Steven P. Minkowsky
Steven P. Minkowsky
Deputy Director of Benefits Administration
Workers' Compensation Board

Dated: May 9, 2006

Jan McNitt
Jan McNitt
Supervisor of the Abuse Investigation Unit
Workers' Compensation Board

**STATE OF MAINE
WORKERS' COMPENSATION BOARD
OFFICE OF MONITORING, AUDIT & ENFORCEMENT**

v.

VIRGINIA SURETY COMPANY

CONSENT DECREE

NOW COME the parties and agree as follows:

1. That Terri Treese alleged an April 26, 2002 work-related injury while employed at Combined Insurance Co.
2. That Terri Treese gave notice of incapacity from work for her alleged injury on May 22, 2002.
3. That Terri Treese was incapacitated on May 21, 2002. Payment for that incapacity became due and payable on June 5, 2002, but has not yet been paid.
4. That Terri Treese is due indemnity in the amount of \$384.16.
5. That pursuant to 39-A M.R.S.A. §205(3) a penalty of \$1,500.00 is warranted.
6. That nothing in this agreement shall be construed as a waiver of Terri Treese's right to seek any weekly compensation benefits that she is or may be entitled to.

WHEREFORE, pursuant to 39-A M.R.S.A. §205(3), Virginia Surety Company shall be assessed a penalty of \$1,500.00 payable to Terri Treese. This penalty check shall stipulate that, "This penalty payment is made pursuant to a Maine Workers' Compensation Board Audit". Copies of the indemnity and penalty payments shall be sent to the attention of the Audit Division, Workers' Compensation Board, 27 State House Station, Augusta ME 04333.

Dated: 3/31/06

Wayne P. Baliga
Wayne Baliga
Senior Vice President
Virginia Surety Company

Dated: May 8, 2006

Steven P. Minkowsky
Steven P. Minkowsky
Deputy Director of Benefits Administration
Workers' Compensation Board

Dated: May 9, 2006

Jan M. McNitt
Jan McNitt
Supervisor of the Abuse Investigation Unit
Workers' Compensation Board

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v.

VIRGINIA SURETY COMPANY

CONSENT DECREE

NOW COME the parties and agree as follows:

1. That Bernard Gilsleider alleged a December 14, 2002 work-related injury while employed at Misty Moon Transport, Inc.
2. That a Provisional Order in the case of Bernard Gilsleider v. Misty Moon Transport, Inc. was mailed on August 27, 2003.
3. That benefits pursuant to the Provisional Order were not reinstated until September 24, 2003, which was twenty-eight (28) days after the Provisional Order.
4. That pursuant to 39-A M.R.S.A. §324(2)(A) a penalty of \$2,250.00 is warranted.
5. That Mr. Gilsleider waived his right to benefits under 39-A M.R.S.A. by entering into a Lump Sum Settlement on March 19, 2004. That nothing in this agreement shall be construed as a waiver of the Workers' Compensation Board's right to seek additional penalties pursuant to 39-A M.R.S.A. §359(2) or 39-A M.R.S.A. §360(2) or both sections.

WHEREFORE, pursuant to 39-A M.R.S.A. §324(2)(A), Virginia Surety Company shall be assessed a penalty of \$2,250.00 payable to Treasurer, State of Maine. The penalty payment shall be sent to the attention of Mr. Steven Minkowsky, Deputy Director of Benefits Administration, Workers' Compensation Board, 27 State House Station, Augusta, Maine 04333-0027.

Dated: _____

3/31/06

Wayne J. Baliga
Wayne Baliga
Senior Vice President
Virginia Surety Company

Dated: _____

May 8, 2006

Steven P. Minkowsky
Steven P. Minkowsky
Deputy Director of Benefits Administration
Workers' Compensation Board

Dated: _____

May 9, 2006

Jan McNitt
Jan McNitt
Supervisor of the Abuse Investigation Unit
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VIRGINIA SURETY COMPANY

CONSENT DECREE

NOW COME the parties and agree as follows:

1. That Virginia Surety Company has engaged in a pattern of questionable claims-handling techniques in violation of Section 359(2) for the following reasons (including, but not limited to):
 - Failure to pay claims timely
 - Failure to pay benefits due
 - Failure to use prescribed compensation rates (from Maine Workers' Compensation Board's Weekly Benefit Table)
 - Failure to calculate benefits accurately
 - Failure to file or timely file required forms with the Maine Workers' Compensation Board
 - Failure to report accurate information on forms filed with the Maine Workers' Compensation Board
 - Failure to properly record penalty payments.
2. That no formal hearing is required because of this Consent Decree.
3. That these findings shall be certified to the Bureau of Insurance pursuant to 39-A M.R.S.A. §359(2).

WHEREFORE, pursuant to 39-A M.R.S.A. §359(2), Virginia Surety Company shall be assessed a civil forfeiture of \$10,000.00 payable to Treasurer, State of Maine. The penalty payment shall be sent to the to the attention of Mr. Steven Minkowsky, Deputy Director of Benefits Administration, Workers' Compensation Board, 27 State House Station, Augusta, Maine 04333-0027.

Dated: 3/31/06

Wayne J. Baliga
Wayne Baliga
Senior Vice President
Virginia Surety Company

Dated: May 8, 2006

Steven P. Minkowsky
Steven P. Minkowsky
Deputy Director of Benefits Administration
Workers' Compensation Board

Dated: May 9, 2006

Jan McNitt
Jan McNitt
Supervisor of the Abuse Investigation Unit
Workers' Compensation Board

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VIRGINIA SURETY COMPANY

CONSENT DECREE

NOW COME the parties and agree as follows:

1. That the following forms are required pursuant to 39-A M.R.S.A. §153(9) and/or Board-approved Rules:

Employee	Date of Injury	Forms Not Filed
Donna Hughes	3/15/2002	WCB-2A, Schedule of Dependent(s) and Filing Status Statement WCB-3, Memorandum of Payment WCB-4, Discontinuance or Modification of Compensation WCB-11, Statement of Compensation Paid
Terri Treese	4/26/2002	WCB-11, Statement of Compensation Paid

2. That the forms listed above were not filed prior to the date of the draft Audit Report (June 1, 2005).
3. That the failure to file the foregoing forms represents five (5) separate violations of 39-A M.R.S.A. §360(1)(A).
4. That nothing in this agreement shall be construed as a waiver of the Workers' Compensation Board's right to seek additional penalties pursuant to 39-A M.R.S.A. §359(2) or 39-A M.R.S.A. §360(2) or both sections.

WHEREFORE, pursuant to 39-A M.R.S.A. §360(1)(A), Virginia Surety Company shall be assessed a civil forfeiture of \$100.00 for each of the foregoing five (5) violations for a total penalty of \$500.00 payable to Treasurer, State of Maine. The penalty payment shall be sent to the to the attention of Mr. Steven Minkowsky, Deputy Director of Benefits Administration, Workers' Compensation Board, 27 State House Station, Augusta, Maine 04333-0027. Outstanding forms shall be sent to the attention of the Audit Division, Workers' Compensation Board, 27 State House Station, Augusta ME 04333.

Dated: 3/31/06

Wayne Baliga
Wayne Baliga
Senior Vice President
Virginia Surety Company

Dated: May 8, 2006

Steven P. Minkowsky
Steven P. Minkowsky
Deputy Director of Benefits Administration
Workers' Compensation Board

Dated: May 9, 2006

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VIRGINIA SURETY COMPANY

CONSENT DECREE

NOW COME the parties and agree as follows:

1. That the following forms are required pursuant to 39-A M.R.S.A. §153(9) and/or Board-approved Rules:

Employee	Date of Injury	Forms Filed Late
Steve Closson	4/4/2002	WCB-1, Employer's First Report of Occupational Injury or Disease
Bernard Gilsleider	12/14/2002	WCB-1, Employer's First Report of Occupational Injury or Disease WCB-2A, Schedule of Dependent(s) and Filing Status Statement WCB-3, Memorandum of Payment WCB-11, Statement of Compensation Paid
Josh Green	8/14/2002	WCB-3, Memorandum of Payment WCB-11, Statement of Compensation Paid
Ken Hadden	12/17/2002	WCB-1, Employer's First Report of Occupational Injury or Disease WCB-2A, Schedule of Dependent(s) and Filing Status Statement WCB-3, Memorandum of Payment WCB-11, Statement of Compensation Paid
Donna Hughes	3/15/2002	WCB-1, Employer's First Report of Occupational Injury or Disease WCB-2, Wage Statement
Kevin Linehan	10/5/2002	WCB-2, Wage Statement WCB-2A, Schedule of Dependent(s) and Filing Status Statement WCB-3, Memorandum of Payment WCB-11, Statement of Compensation Paid
Rick Martin	6/15/2002	WCB-1, Employer's First Report of Occupational Injury or Disease WCB-2, Wage Statement WCB-2A, Schedule of Dependent(s) and Filing Status Statement WCB-3, Memorandum of Payment WCB-9, Notice of Controversy

Joanne O'Clair	6/1/2002	WCB-1, Employer's First Report of Occupational Injury or Disease WCB-2, Wage Statement WCB-2A, Schedule of Dependent(s) and Filing Status Statement WCB-9, Notice of Controversy WCB-11, Statement of Compensation Paid
James Pooler	9/10/2002	WCB-3, Memorandum of Payment WCB-11, Statement of Compensation Paid
Robert Tidswell	10/19/2002	WCB-2A, Schedule of Dependent(s) and Filing Status Statement WCB-3, Memorandum of Payment WCB-11, Statement of Compensation Paid
Terri Treese	4/26/2002	WCB-2, Wage Statement WCB-2A, Schedule of Dependent(s) and Filing Status Statement WCB-3, Memorandum of Payment
Donald Woodworth	6/6/2002	WCB-1, Employer's First Report of Occupational Injury or Disease WCB-2, Wage Statement WCB-2A, Schedule of Dependent(s) and Filing Status Statement WCB-3, Memorandum of Payment WCB-11, Statement of Compensation Paid

2. That the forms listed above were filed late.
3. That the failure to file the foregoing forms timely represents forty (40) separate violations of 39-A M.R.S.A. §360(1)(B).
4. That nothing in this agreement shall be construed as a waiver of the Workers' Compensation Board's right to seek additional penalties pursuant to 39-A M.R.S.A. §359(2) or 39-A M.R.S.A. §360(2) or both sections.

WHEREFORE, pursuant to 39-A M.R.S.A. §360(1)(B), Virginia Surety Company shall be assessed a civil forfeiture of \$100.00 for each of the foregoing forty (40) violations for a total penalty of \$4,000.00, payable to Treasurer, State of Maine. The penalty payment shall be sent to the to the attention of Mr. Steven Minkowsky, Deputy Director of Benefits Administration, Workers' Compensation Board, 27 State House Station, Augusta, Maine 04333-0027.

Dated: 3/31/06

Wayne J. Baliga
Wayne Baliga
Senior Vice President
Virginia Surety Company

Dated: May 8, 2006

Steven P. Minkowsky
Steven P. Minkowsky
Deputy Director of Benefits Administration
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